

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MOONSCOOP SAS,)	CASE 1:09-CV-01885-JG
)	
Plaintiff,)	JUDGE JAMES GWIN
)	
v.)	
)	
AMERICAN GREETINGS)	AGREED MOTION TO CONTINUE
CORPORATION,)	TRIAL DATE BY ONE WEEK
)	
Defendant.)	

Defendant American Greetings respectfully requests the Court to continue the trial date by one-week, from November 5, 2012 until November 12, 2012, due to a conflict in the schedule of an important third-party witness.

After the October 30, 2012 pre-trial, at which the Court set a trial date of November 5, 2012, counsel for defendant communicated with one of its primary witnesses, Mr. Josef Mandelbaum. As the Court will recall, in 2008 and 2009, when the relevant events in this case occurred, Mr. Mandelbaum was the CEO of the Intellectual Property Group at American Greetings Corporation, and was the primary negotiator of the agreements at issue here. Mr. Mandelbaum also executed these agreements on behalf of defendant, and was defendant's primary representative involved in the attempts to close the agreement with the plaintiff, MoonScoop.

In order to move to Israel, Mr. Mandelbaum resigned from defendant's employ in June 2010, and became the CEO of a publicly traded company in Israel. Mr. Mandelbaum currently resides in Tel Aviv, Israel, and has a previously scheduled Board meeting the week of November 5, 2012 in Tel Aviv; however, he is able to travel to Cleveland to testify the week of November 12 or November 19 or November 26, 2012.

Also, the prior trial conflict with lead defense counsel's schedule the week of November 12 has resolved, as that state court trial is now set to begin on October 29, 2012.

Counsel for defendant has consulted with counsel for plaintiff, Michael Garvin, who has confirmed that plaintiff is available to try this Action the week of November 12, 2012, and that plaintiff has no objection to continuing the trial date by one-week to November 12, 2012. Accordingly, plaintiff has accorded defendant the professional courtesy of agreeing to this motion.

This motion is not interposed for the purpose of delay, but rather for good cause due to a conflict in the schedule of an important third-party witness. Accordingly, the parties respectfully request the Court continue the trial date for this matter from November 5, 2012 to November 12, 2012.

Respectfully submitted,

s/Steven A. Friedman

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September 2012, a copy of the foregoing was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket system.

s/ Steven A. Friedman

One of the Attorneys for Defendant